

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 SCCT-02 SAJ-01 DRC-01 (ISO) W

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R 061643Z MAY 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 0090

INFO AMEMBASSY DUBLIN

USNAVCOMMSTA LONDON DERRY

AMCONSUL BELFAST

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E.O. 11652: N/A

TAGS: PINT, U. K. (N. I.)

SUBJECT: ANGLO-IRISH LAW REPORT HURTS SUNNINGDALE:
ANALYSIS

FOLLOWING TRANSMITTED BY CONSULATE GENERAL BELFAST:

BEGIN SUMMARY THOUGH NOT YET PUBLISHED, RECENTLY
SUBMITTED REPORT OF ANGLO-IRISH LAW ENFORCEMENT
COMMISSION HAS ALREADY FURTHER DAMAGED PROSPECTS OF
IMPLEMENTATION OF SUNNINGDALE. DELAY IN COMPLETION OF
REPORT DISSIPATED POST-SUNNINGDALE MOMENTUM ON FUGITIVE
TERRORIST ISSUE; CONTINUING DELAY IN PUBLICATION GIVES
RISE TO FEARS ABOUT ITS CONTENTS AND GOVERNMENT'S
INTENTIONS; HMG'S ONE-WEEK DELAY IN SHOWING IT TO NI
EXECUTIVE HAS HUMILIATED PRO-ASSEMBLY UNIONISTS AND
ALLIANCE' JUDGING FROM BACKGROUND REPORTS OF COMMISSION
REPORT'S CONTENTS, IT WILL NOT CREATE DESIRED CONSENSUS
ON BEST WAY TO DEAL WITH PROBLEM AND WILL FORCE PRO-
ASSEMBLY UNIONISTS AND ALLIANCE TO MAKE DIFFICULT CHOICE
BETWEEN ACCEPTING SECOND-BEST WAY OR PROVOKING CRISIS IN
EXECUTIVE. HMG'S INSENSITIVE BEHAVIOR TOWARD EXECUTIVE
IN THIS MATTER IS SUSPECTED BY INCREASING NUMBERS IN NI
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AS PART OF DELIBERATE EFFORT TO UNDERMINE SUPPORT HERE

FOR CONTINUED LINK WITH UK. END SUMMARY

1. HANDLING AND CONTENTS OF REPORT OF ANGLO-IRISH LAW ENFORCEMENT COMMISSION LOOK LIKE POSING BIG PROBLEMS FOR IMPLEMENTATION OF SUNNINGDALE AGREEMENT.

2. COMMISSION WAS APPOINTED BY HMG AND GOI IN DECEMBER 1973 PURSUANT TO PARAGRAPH TEN OF SUNNINGDALE AGREEMENT TO "RECOMMEND AS A MATTER OF EXTREME URGENCY THE MOST EFFECTIVE MEANS" OF DEALING WITH TERRORIST FUGITIVE OFFENDERS. IT WAS SUPPOSED TO BRING DISTINGUISHED EXPERTISE TO BEAR ON LEGAL COMPLEXITIES OF ISSUE, AND HOPEFULLY THEREBY TO EXTRACT GOVERNMENTS FROM POLITICAL IMPASSE OVER ALTERNATIVES OF EXTRADITION, EXTRATERRITORIALITY AND COMMON-LAW-ENFORCEMENT AREA.

3. POST-SUNNINGDALE MOMENTUM ON THIS ISSUE WAS EFFECTIVELY DISSIPATED BY DELAY IN COMPLETING REPORT. IT WAS NOT SUBMITTED TO TWO GOVERNMENTS UNTIL APRIL 23. DECISION OF HMG AND GOI NOT TO PUBLISH REPORT UNTIL THEY HAD DECIDED HOW TO IMPLEMENT IT HAS GIVEN RISE TO MANY RUMORS ABOUT ITS CONTENTS AND GOVERNMENTS' INTENTIONS.

4. HMG'S REFUSAL TO SHOW REPORT TO NI EXECUTIVE (THOUGH ITS SDLP MEMBERS ARE THOUGHT TO HAVE SEEN IT IN DUBLIN) HUMILIATED PRO-ASSEMBLY UNIONIST AND ALLIANCE MEMBERS, DRAWING ANGRY PROTEST FROM ROY BRADFORD AND HORSE LAUGHS FROM LOYALISTS. MORE IN SORROW THAN IN ANGER, (UNIONIST) NEWS LETTER SAID "IF THE EXECUTIVE IS SO LIGHTLY REGARDED BY DOWNING STREET IT CAN SCARCELY BE HIGHLY RATED HERE." NI SECSTATE FINALLY GAVE COPIES OF REPORT TO EXECUTIVE ON MAY 2.

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USIA-15 SCCT-02 SAJ-01 DRC-01 (ISO) W

----- 051568

R 061643Z MAY 74

FM AMEMBASSY LONDON

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5. PRESS REPORTS APPARENTLY BASED ON BACKGROUNDING INDICATE REPORT DOES NOT EXTRACT PARTIES FROM POLITICAL THICKET. ALTHOUGH COMMISSIONERS ARE SAID TO HAVE AGREED THERE IS NO FUNDAMENTAL OBSTACLE TO EXTRATERRITORIAL JURISDICTION FOR SCHEDULED TERRORIST OFFENCES, UK AND IRISH COMMISSIONERS REPORTEDLY SPLIT ON FEASIBILITY OF CHANGES IN EXTRADITION LEGISLATION. IF THIS IS THE CASE, PRO-ASSEMBLY UNIONISTS AND ALLIANCE WILL FIND IT EXTREMELY DIFFICULT TO SETTLE FOR EXTRATERRITORIALITY, AND WILL SEE IRISH COMMISSIONERS' REJECTION OF EXTRADITION AS ANOTHER EXAMPLE OF DUBLIN'S USE OF LEGAL SOPHISTRY TO CONCEAL ITS POLITICAL COWARDICE OR ILL-WILL.

6. LOYALISTS WILL, OF COURSE, REJECT OUT OF HAND ANYTHING LESS THAN EXTRADITION. PRO-ASSEMBLY UNIONISTS WILL THEN HAVE TO DECIDE WHETHER TO ACCEPT EXTRATERRITORIALITY AND LOSE STILL FURTHER SUPPORT TO LOYALISTS, OR REJECT IT AND BRING SUNNINGDALE TO COMPLETE HALT, RISKING SDLP DEPARTURE FROM EXECUTIVE.

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7. EVEN BY STANDARDS OF THIS BRITISH LABOUR GOVERNMENT ON NI MATTERS, DELAY IN GIVING EXECUTIVE A COPY OF REPORT WAS REMARKABLY INSENSITIVE -- UNLESS ONE BELIEVES, AS DO INCREASING NUMBERS HERE IN NI, THAT SUCH BEHAVIOUR IS DELIBERATELY CALCULATED TO UNDERMINE NI SUPPORT FOR UNION, AND PROVOKE SITUATION WHICH WOULD GIVE BRITS AN EXCUSE TO GET OUT.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NORTHERN IRELAND, POLITICAL STABILITY, LAW, SUNNINGDALE AGREEMENT, SELFGOVERNMENT
Control Number: n/a
Copy: SINGLE
Draft Date: 06 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974LONDON05575
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740109-0262
From: LONDON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740572/aaaacmgf.tel
Line Count: 164
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GarlanWA
Review Comment: n/a
Review Content Flags:
Review Date: 04 FEB 2003
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <24-Jul-2001 by phillir0, PRIVACY>; RELEASED <04 FEB 2003 by GarlanWA>; APPROVED <04 FEB 2003 by GarlanWA>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ANGLO-IRISH LAW REPORT HURTS SUNNINGDALE: ANALYSIS
TAGS: PINT, UK
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005